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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,714

06/26/2003

Naysen Jesse Robertson

200207937-1

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08/30/2006

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EXAMINER

BARAN, MARY C

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,714

Applicant(s)

ROBERTSON ET AL.

Examiner

Mary Kate B. Baran

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-75 is/are pending in the application.
- 4a) Of the above claim(s) 18-75 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 15 June 2006.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The action is responsive to the Amendment filed on 15 June 2006. Claims 1-75 are pending. Claims 1-5, 10 and 11 are amended. Claim 9 is cancelled. Claims 18-75 are withdrawn.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 15 June 2006, is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Election/Restrictions

3. Applicant's election with traverse of the species best illustrated by Figure 1A in the reply filed on 15 June 2006 is acknowledged. The traversal is on the ground(s) that claim 1 is also generic to species VII best illustrated by Figure 4B, and that all pending claims 1-8 and 10-75 are drawn to Figure 1A. This is not found persuasive because Figure 4B appears to be a specific embellished portion of some of the components depicted in Figure 1A. While it does depict an FBB module in communication with a controller and a hardware monitor, the FBB module is not shown in Figure 1A and Figure 1A shows additional features not presented in Figure 4B. Furthermore, Figure 1A is not generic to all pending claims. Method claims 43-54 are not illustrated by

Figure 1A. In addition, the margin testing may be broken into three distinct categories, frequency margin testing, voltage margin testing and temperature margin testing.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogley (U.S. Patent No. 6,617,872) in view of Hawkins et al. (U.S. PG-Pub. No. US2003/0130969) (hereinafter Hawkins).

Referring to claim 1, Vogley teaches an electronic system (see Vogley, column 2 line 57 – column 3 line 6), a system for margin testing one or more components of the electronic system (see Vogley, column 4 lines 1-2), comprising: a controller internal to said electronic system (see Vogley, column 3 lines 36-39); and a digital parameter adjuster in communication with said controller and with selected ones of said components (see Vogley, column 4 lines 39-51), said adjuster setting at least one operating parameter associated with at least one of said components to one or more test values in response to commands from said controller (see Vogley, column 4 lines 39-51 and column 6 lines 15-20).

Hawkins teaches a baseboard management controller that is configured to monitor a response of said electronic system to said test values (see Hawkins, page 2 paragraphs [0015] and [0017]-[0018]).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Vogley to include the teachings of Hawkins because adding a baseboard management controller would have allowed the skilled artisan to provide intelligence to the platform management (see Hawkins, page 2 paragraph [0015]).

Referring to claim 2, Vogley teaches a hardware monitor in communication with said controller and said components to receive information from said components in response to said test values and to transmit said received information to the controller (see Vogley, column 4 lines 46-51 and column 5 lines 1-19).

Referring to claim 3, Vogley teaches a diagnostics software for collecting data regarding response of the electronic system to said test values of the operating parameter (see Vogley, column 3 lines 17-32).

Referring to claim 4, Vogley teaches that said controller executes said diagnostics software (see Vogley, column 3 lines 17-32).

Referring to claim 5, Vogley teaches that said controller transmits software command signals to said parameter adjuster to effect variation of said operating parameter (see Vogley, column 5 lines 1-19 and column 6 lines 15-20).

Referring to claim 6, Vogley teaches that said operating parameter is a frequency applied to one or more of said selected components (see Vogley, column 4 lines 30-31).

Referring to claim 7, Vogley teaches at least one communications bus for coupling said controller to said parameter adjuster and said hardware monitor (see Vogley, column 6 lines 39-47).

Referring to claim 8, Vogley teaches that said controller implements management of said components of the electronic system (see Vogley, column 1 lines 30-39).

Referring to claims 10-12 and 17, Vogley teaches all the features of the claimed invention except that said controller is a Baseboard Management Controller (BMC); that the BMC implements Intelligent Platform Management Interface (IPMI) protocol; that the communication bus is a I²C-based bus; that said I²C-based bus is an IPMB bus; and that said computer system is a computer server.

Hawkins teaches that said controller is a Baseboard Management Controller (BMC) (see Hawkins, page 2 [0015]-[0017]); that the BMC implements Intelligent

Platform Management Interface (IPMI) protocol (see Hawkins, pages 1-2 [0014]); that the communication bus is a I²C-based bus (see Hawkins, page 1 [0006]); that said I²C-based bus is an IPMB bus (see Hawkins, page 1 [0013]); and that said computer system is a computer server (see Hawkins, page 1 [0004]).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Vogley to include the teachings of Hawkins because adding a baseboard management controller would have allowed the skilled artisan to provide intelligence to the platform management (see Hawkins, page 2 paragraph [0015]).

Referring to claim 13, Vogley teaches that said parameter adjuster is a digital programmable frequency synthesizer (see Vogley, column 4 lines 39-43).

Referring to claim 14, Vogley teaches that said frequency synthesizer receives an input reference clock signal and, in response to a command signal from said controller, generates an output clock signal as a multiple of said input clock signal (see Vogley, column 3 lines 7-16).

Referring to claim 15, Vogley teaches that said frequency synthesizer applies said output clock signal to one or more of said selected components for testing thereof (see Vogley, column 3 lines 7-16).

Referring to claim 16, Vogley teaches that said electronic system comprises a computer system (see Vogley, column 2 line 57 – column 3 line 6).

Response to Arguments

5. Applicant's arguments filed 15 June 2006 have been fully considered but they are not persuasive.

Applicant argues that Vogley does not teach “a baseboard management controller that is configured to monitor a response of said electronic system to said test values.” However, this limitation is met by the teachings of Hawkins. Hawkins teaches a baseboard management controller which provides autonomous monitoring, event logging and recovery control. The baseboard management controller is connected to both sensors and control circuitry which allow it to monitor various events (i.e. out-of-range values, crossed thresholds, etc.) for a variety of variables (i.e. voltage, temperature, power, etc.). It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Vogley to include the teachings of Hawkins because adding a baseboard management controller would have allowed the skilled artisan to provide intelligence to the platform management (see Hawkins, page 2 paragraph [0015]).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was

within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Kate B. Baran whose telephone number is (571)

272-2211. The examiner can normally be reached on Monday - Friday from 9:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

24 August 2006


CAROL S.W. TSAI
PRIMARY EXAMINER